

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Madison Ward,

No. 24-cv-571 (KMM/DTS)

Petitioner,

v.

ORDER

Federal Bureau of Prisons,

Respondent.

Petitioner Madison Ward, who is incarcerated at the Federal Correctional Institution in Waseca, Minnesota, filed this habeas case on February 22, 2024. She seeks relief under 28 U.S.C. § 2241 because the Respondent United States Bureau of Prisons (“BOP”) has not properly applied time credits to her sentence. On March 19, 2024 United States Magistrate Judge David T. Schultz issued an Order requiring Ms. Ward to explain whether she had exhausted administrative remedies concerning her claim. In her response, Ms. Ward explained that she submitted materials to the BOP trying to resolve her claim, which Judge Schultz construed as a concession that Ward had not exhausted her administrative remedies prior to filing the petition.

On April 23, 2024, Judge Schultz issued a Report and Recommendation (“R&R”) concluding that Ms. Ward had not exhausted her administrative remedies and recommending that the Court dismiss this action without prejudice. R&R (Doc. 6). In addition, the R&R recommends denying Ms. Ward’s request that the case be stayed or continued until she has resolved her administrative remedies. Judge Schultz explained that

Ms. Ward can file a new action after exhausting her administrative remedies if she is unsatisfied with the outcome she receives from the BOP. *Id.* at 2–3. The deadline for Ms. Ward to file objections to the R&R passed on May 7, 2024. Fed. R. Civ. P. 72(b)(2); D. Minn. LR 72.2(b)(1). Ms. Ward filed no objections by the May 7th deadline and the Court has received no communication from Ms. Ward since Judge Schultz issued the R&R.

Because Ms. Ward has not objected to the R&R, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b)) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Having conducted the required review of the R&R and based on the entire record in these proceedings, the Court finds no clear error and accepts Judge Schultz’s recommendation.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. 6) is ACCEPTED.
2. Petitioner Madison Ward’s petition for a writ of habeas corpus (Doc. 1) is DENIED.
3. This action is DISMISSED WITHOUT PREJUDICE based on Petitioner’s failure to exhaust administrative remedies.
4. Petitioner’s request (Doc. 5) that this action be stayed or continued pending exhaustion of administrative remedies is DENIED.

Let Judgment be entered accordingly.

Date: June 14, 2024

s/Katherine Menendez
Katherine Menendez
United States District Judge